

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, May 20th, 2019

Those Present: Mrs. Debbie Burrell, Chair
Ms. Joan Aquilino, Board Member
Mr. Frank Davis, Board Member
Mrs. Linda Thall, Senior Assistant County Attorney
Mr. Bob Shrum, Alcoholic Beverage Inspector
Mr. Robert Lind, Alcoholic Beverage Inspector
Ms. Penny Bussard, Liquor Board Coordinator
Ms. Ashley Kneessi, Administrative Specialist V
Mrs. Dawn Shugars, Administrative Specialist V

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9:00 AM by the Chair, Debbie Burrell.

Mrs. Burrell did an update regarding the Forum on June 24th, 2019. She adjusted the agenda to accommodate the officers schedule change involved in the violations.

1. New Licenses

a. Jug Bridge Brewery

Jug Bridge Brewery
Mathew Townsend
for the use of Jug Bridge Brewery
911 E. Patrick Street
Frederick, MD 21701
Class DBR, Beer Only

Ms. Thall swore in the applicant. The pending items are the Fire Marshal, ABLE Training, Fingerprints, and the Inspector's report. Inspector Lind went out to the location on Saturday May 15th, 2019 and they meet all the requirements of the Liquor Board.

Mrs. Bussard updated the Board that they are waiting for the Fire Marshal after entering the Zoning information late Friday. Mr. Townsend wanted to be sure he has all the open items addressed. Mrs. Shugars went over how ABLE training will be completed. Mrs. Burrell asked if he ever held a license in the state previously. Mr. Townsend answered, "No." He also reviewed what his business plan will consist of and how he will have his staff trained. For now he is the only certified Alcohol Awareness trained person on site.

MOTION: Mr. Davis made a motion to grant conditional approval until June 30th, 2019.

SECOND: Ms. Aquilino seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mr. Davis - Aye
Mrs. Burrell -Aye
Ms. Aquilino - Aye

The vote was unanimous ***Ayes 3, Nay-0***
(Motion passed)

b. Distilled

Distilled
Gary Allen & Michael Raffo
for the use of A&R Restaurants, LTD
221 Shorebird Street, Suite B
Frederick, MD 21701
Class B, On Sale, Beer, Wine, & Liquor

Mrs. Thall swore in the applicant. The pending items are the Final Diagram, Fire Marshal, ABLE Training, Health Department, Zoning, Taxes, Retail Sales Tax, Occupancy, Traders, Fingerprints, and the Inspector's report.

Mrs. Burrell asked what his anticipated time frame would be for opening. Mr. Allen said he would need every bit of three months. He has had delays with architects and finalizing the lease. This was an existing locations that needed the prior tenants released before he could move forward. This is not his first license. He is the owner of Champion Billiards. He has been involved in the business for over 25 years. There is no violation history.

Inspector Lind spoke with Mr. Allen regarding his timeline prior to the hearing. There is outdoor seating but all of the ideas are conceptional. Mr. Allen will submit his final drawings in a few weeks.

MOTION: Ms. Aquilino made a motion to grant conditional approval until September 30th, 2019

SECOND: Mr. Davis seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mrs. Burrell –Aye
Mr. Davis - Aye
Ms. Aquilino - Aye

The vote was unanimous ***Ayes 3, Nay-0***
(Motion passed)

c. Matsutake

Matsutake Japanese Restaurant
Jung Kyu Song, Soo Kyung Lee, & Sun Back
for the use of Matsutake Japanese Restaurant, Inc.
5225 Buckeystown Pike
Frederick, MD 21703
Class B, On Sale, Beer, Wine & Liquor

Mrs. Thall swore in the applicants. The pending items are the Fire Marshal, Health Department, Occupancy Permit, Zoning, ABLE Training, Fingerprints, and the Inspector's report. Inspector Shrum went out to the location on May 17th, 2019 and they meet all the requirements of the Liquor Board.

Mrs. Burrell asked if sixty days would be enough time to clear up all the pending items. Mr. Kresslein informed his client that if they are within this timeframe they can pick up the license before the sixty days is up.

Mrs. Burrell asked if they had held a license before in Maryland. They had held one in Virginia. Ms. Bussard read the violation history for the state of Virginia. They had a sales to minor with a five hundred dollar fine. The current entity surrendered the license for Frederick County because both licensees had passed away. They were making sales without a license. This is why they are here today. They reapplied under a new entity and new licensees.

Mr. Kresslein stated that he has an explanation for this issue. He understands that the Board was not appropriately notified. They were unable to renew. They have been without a license for over two months. This has been a very big learning experience for his client. By losing the license it has adversely effected their ability to do business. We have addressed this issue by having a new entity apply for a new license.

Ms. Bussard added that there is no other violation history for the old license. Ms. Aquilino asked how long they operated without the appropriate license. Ms. Bussard replied, "Eight months for first licensee and five months for the other licensee." Mrs. Burrell confirmed that our current policy is a five day notification when a licensee passes away. Ms. Bussard said, "Yes." Mr. Kresslein said the penalty to this establishment was that they had to start the entire application process from scratch. They have not been able to sell alcohol for over two months.

Ms. Aquilino pointed out that they sold for over eight months without a license. This causes her pause. She is concerned who was left in charge that understood the regulations. Mr. Song was in charge at the time. He said he did not know that they were supposed to notify us. He said he wasn't aware the license was no good until he came to renew. Ms. Aquilino asked if he understood and was fully aware of all of the regulations now. He replied, "Yes." Mr. Kresslein reiterated to his clients that by not following the regulations, it put their license at risk. He has had a serious discussion with them about all the repercussions.

Mrs. Burrell asked how many alcohol awareness certified people will be on staff. Mr. Song replied, "Three total." She made him aware of the templates available online.

MOTION: Ms. Aquilino made a motion to grant conditional approval until August 31st, 2019

SECOND: Mr. Davis seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mrs. Burrell –Aye
Mr. Davis - Aye
Ms. Aquilino - Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

2. Transfers

a. Mountain Liquors

Mountain Liquors & Self Storage
Dilipkumar Patel, Yassheree Patel and Sangita Patel
for the Use of Divine Management, LLC
Transfer From: Mountain Liquors
Charles Stouter, Cory Stouter and Gary Alan Stouter
for the Use of Mountain Liquors, Inc
17610 Old Gettysburg Rd, Emmitsburg, MD 21727
Class A, Off Sale, Beer, Wine and Liquor

Mrs. Thall swore in the applicants. The pending items are ABLE training, Fingerprints, Fire Marshal, Worker's Comp & the Inspector's report. Inspector Shrum went out to the location on Saturday April 6th, 2019 and they meet all the requirements of the Liquor Board.

Mrs. Burrell asked them how much time would be needed to complete the open items. She asked if they had held a license before in the county. Mr. Patel replied, "No, this is the first time." They are all are local Frederick county residents. All of their staff is alcohol awareness trained. She made them aware that there are templates available online for our licensees to utilize.

MOTION: Ms. Aquilino made a motion to grant conditional approval of the transfer application until June 30th, 2019.

SECOND: Mr. Davis seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mrs. Burrell –Aye
Mr. Davis - Aye
Ms. Aquilino - Aye

The vote was unanimous ***Ayes 3, Nay-0***
(Motion passed)

3. Violations

a. Village Mart

Village Mart
Minaxi Patel
for the Use of BHAKTI H, LLC
Class A, Off Sale, Beer, Wine & Liquor

Mrs. Thall swore in the witnesses. Mrs. Thall read the charge that March 21st, 2019 at approximately 6:30 pm, either directly or through an employee, you sold or provided an alcoholic beverage to a person under the age of twenty one years. The person identified as Seth Emrick, was allowed to possess an alcoholic beverage in violation of §6-304 Maryland Annotated Code and §6.17 (a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensees plead guilty to charge of serving a minor. The Maryland State Police report was made part of the record.

Mrs. Thall read the police report. The clerk did check the identification but continued with the sale. Mrs. Burrell asked Mrs. Patel about the minor having a vertical identification and did she understand the difference between a vertical identification and a horizontal identification. She asked the officer if he was within viewing site of the minor. He responded, “Yes, ma’am.” This was part of the regular compliance checks. The officer answered, “Yes,” The officer and the cadet were present during the sale of the alcohol. Mrs. Patel wanted to note for the record that she has passed compliance checks prior to this incident.

Ms. Bussard read the violation history. On September 8th 2014, there was a sales to minor, a \$400.00 fine which was suspended. They were placed on thirty days probation at that time. Ms. Aquilino asked if there were any other employees. Mrs. Patel explained that her daughter fills in for her when she needs a break. The daughter explained further the reason for her saying the kids coming in. Her mother meant the younger customers that come in without identification, she makes them walk back home and get it. Ms. Aquilino clarified that she ask for identification for all alcohol sales. Mrs. Patel stated that she does.

Mrs. Burrell asked what they have done since the incident occurred. Mrs. Patel said there are signs posted on the doors.

Mrs. Thall reviewed the Board's penalty options. Ms. Aquilino asked if they were aware of the option for deferred judgement. Mrs. Patel said, "No, ma'am." Ms. Bussard clarified the definition of deferred judgement. Mrs. Patel asked for a few moments to discuss her options with her daughter. She decided to request the deferred judgement. Mrs. Thall advised the Board to clarify their findings. The Board was unanimous in the findings for deferred judgement.

MOTION: Ms. Aquilino made a motion to grant Deferred Judgement.

SECOND: Mr. Davis seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mr. Davis - Aye
Mrs. Burrell - Aye
Ms. Aquilino - Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

b. JR Sports Bar

JR Sports Bar
Jerry Funk, Herendo Hernandez
for use of J.R. Sports Bar & Restaurant, Inc.
Class B, On Sale, Beer, Wine, and Liquor

Mrs. Thall swore in the witnesses. Mrs. Thall read the charge that March 21st, 2019 at approximately 5:45 pm, either directly or through an employee, you sold or provided an alcoholic beverage to a person under the age of twenty one years. The person identified as Seth Emrick, was allowed to possess an alcoholic beverage in violation of §6-304 Maryland Annotated Code and §6.17 (a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensees plead guilty to charge of serving a minor. The Maryland State Police report was made part of the record.

Mrs. Thall read the police report. The clerk did not request identification. Mrs. Burrell asked if there were any comments from the licensees. Mrs. Sweeney the bartender stated that she was new and had never bartended before. She realized she had made a mistake once she served the beer. Mrs. Burrell asked have there been any other steps taken since the incident occurred. Mr. Funk said he has met with all the employees to express how serious this was for them. He hopes that the bartender has learned a valuable lesson from this. All of his bartenders are TIPS certified. Mrs. Burrell clarified that this was a compliance check from the Health Department. The officer answered, "Yes."

Ms. Bussard read that there is no violation history. Mr. Funk would like to deal with the consequences now and not take deferred judgement. Mrs. Thall reviewed the Board's options for penalty.

MOTION: Mr. Davis made a motion to asses a fine of a \$200.00 fine.

SECOND: Ms. Aquilino seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mr. Davis - Aye
Mrs. Burrell -Aye
Ms. Aquilino - Aye

The vote was unanimous ***Ayes 3, Nay-0***
(Motion passed)

c. Hampton Inn

Hampton Inn & Suites
Anne Jeans, Howard Hoy, & Robert Cole, Jr.
for the Use of 1565 Opossumtown Pike, LLC
Class B, Hotel License Beer & Light Wine

Mrs. Thall swore in the witnesses. Mrs. Thall read the charge that March 21st, 2019 at approximately 7:59 pm, either directly or through an employee, you sold or provided an alcoholic beverage to a person under the age of twenty one years. The person identified as Seth Emrick, was allowed to possess an alcoholic beverage in violation of §6-304 Maryland Annotated Code and §6.17 (a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensees requested deferred judgement and plead guilty to the charges. The Maryland State Police report was made part of the record.

Mrs. Thall read the police report. The hotel lobby clerk did not request to see identification. Mrs. Jeans stated that the staff attended the ID Training and left with invaluable information to share with the remaining employees. The company intends on purchasing the scanner device featured at the training for all the companies that Mr. Cohen owns. Mrs. Burrell warned that scanners are not bullet proof. Mrs. Jeans said she understands that you still need to look at the identification for validity. Ms. Bussard clarified the type of licenses they hold to the Board.

Ms. Bussard read that there was no violation history. Mrs. Thall asked the Board to make the factual findings for deferred judgement. The Board was unanimous in their findings.

MOTION: Mr. Davis made a motion to grant deferred judgement.

SECOND: Ms. Aquilino seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mr. Davis - Aye
Mrs. Burrell - Aye
Ms. Aquilino - Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

d. 6-10 Gas Mart

6-10 Gas Mart
Estate representative Kristie Chung, & Sang Lee
for the Urbana BP, LLC.
Class A, Off Sale, Beer & Light Wine

Mrs. Thall swore in the witnesses. Mrs. Thall read the charge that March 21st, 2019 at approximately 6:20 pm, either directly or through an employee, you sold or provided an alcoholic beverage to a person under the age of twenty one years. The person identified as Ricardo Chavez, was allowed to possess an alcoholic beverage in violation of §6-304 Maryland Annotated Code and §6.17 (a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensees plead guilty to charge of serving a minor. The Maryland State Police report was made part of the record.

Mrs. Thall read the police report. The clerk did check the identification but continued with the sale. Mrs. Burrell asked if this was part of the regular compliance checks.

Ms. Bussard read the violation history. On May 1st, 2014, there was failure to notify with a change of address. On October 8th, 2018, there was a sales to minor, that charge was granted deferred judgement.

Mrs. Burrell reiterated the stipulations of the deferred judgement to the licensees. Since this is the second sales to minor within two years, there will be a suspension required. She wants them to explain what actions have they taken to correct this situation. Mr. May who is representing the establishment, he was shocked to hear from them again after the last violation in October 2018. He feels they do a good job at crossing all their T's and dotting all their I's. He had a hard line conversation about being TIPS trained and carding everyone. There was a video provided showing the cadet was carded. You cannot stop human error. They have now instituted a policy of no vertical identifications will be accepted.

Mr. Tao went over their new policies since the last incident. All employees have done the we card online training, they have all been put through TIPS training, the clerk and himself attended the ID training, the POS system will now require the date of birth manually be entered before the sale can be made. He is hoping this will deter the human error.

Ms. Aquilino asked about a statement in the police report and the question about the date on the identification being confusing. She doesn't understand why that was in the report. Mr. May said the clerk did not calculate properly period. Corporal Tindal said they knew it was his birthday but didn't think that would matter because he still wasn't twenty one. He likes the suggestion of the vertical identifications. He stated that within 30 seconds of entering an establishment with a vertical identification, the cadet is turned away because of the policy in place not to accept vertical identifications. There are signs posted on the door stating they will card everyone.

Mrs. Burrell reviewed since this is within a two year period she asked Mrs. Thall to go over the details of what their options are. Mrs. Thall read through the Boards option for penalty.

MOTION: Ms. Aquilino made a motion for a 1 week suspension and a fine of \$1000.00.

SECOND: Mr. Davis seconded the motion.

FURTHER DISCUSSION ON THE MOTION: There was no further discussion.

VOTE: Mr. Davis - Aye
Mrs. Burrell -Aye
Ms. Aquilino - Aye

The vote was unanimous **Ayes 3, Nay-o**
(Motion passed)

4. Public Comment – There was no public comment
5. Minutes Update – The minutes are updated, approved and posted on the website.

Meeting adjourned at 10:35 am

Respectfully submitted,
Dawn Shugars, Administrative Specialist V
FREDERICK COUNTY LIQUOR BOARD